

REMARKS

By this Amendment, the extra wording between claims 1 and 2 but not included in either claims 1 or 2 has been removed. Thus, claims 1-4 are pending in this application. In light of at least the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

I. Title Requirement

The Office Action states that the title is not descriptive. Applicants have amended the title to be more descriptive. Thus, Applicants respectfully request withdrawal of the requirement.

II. Objections to the Drawings

The Office Action objects to Fig. 9 as being old but not designated as prior art. Fig. 9 has been amended to state "prior art." Thus, Applicants respectfully request withdrawal of the objection.

The Office Action objects to the drawings as not showing all of the features of the claimed invention under 37 C.F.R. §1.83(a). Specifically, the Office Action states the width of the recess and groove as claimed in claim 2 must be shown. Fig. 5b has been amended to show the width "w" of the groove and recess. Thus, Applicants respectfully request withdrawal of the objection.

III. Drawing Requests

The Office Action requests that Applicants provide a cross sectional view of the embodiment of Fig. 10 to show the relationship between the inclined slope of the recess and the groove bottom. New Fig. 10b has been added showing this cross sectional view. This figure is supported by at least paragraph [0028]. Thus, no new matter is added.

IV. Objections to the Claims Under 35 U.S.C. §112, First Paragraph

The Office Action objects to claims 2 and 4 as failing to comply with the enablement requirement under 35 U.S.C. §112, first paragraph. Specifically, the Office Action alleges it is not clear to which dimension the width of the recess recited in claim 2 refers. Fig. 5b has been amended to show the width "w" of the recess. The specification has also been amended to include the reference character "w" where appropriate. In light of the foregoing, Applicants respectfully assert that claims 2 and 4 are enabled. Applicants respectfully request withdrawal of the objection.

V. Claim Rejections Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1-4 under 35 U.S.C. §112, second paragraph, as being indefinite for possibly reciting two separate recesses. Applicants respectfully note that because a claim is restricted to be one sentence in length ending with a period, the alleged second recess was an erroneous duplication of the last phrase of claim 1, located after the close of claim 1. By this Amendment, this erroneous part has been removed. Thus, Applicants respectfully request withdrawal of the rejection.

VI. Claim Rejections Under 35 U.S.C. §103(a)

The Office Action rejects claims 1 and 2 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,337,909 to Vaillencourt. Applicants respectfully traverse the rejection.

The Office Action alleges Vaillencourt discloses a reinforcing rib which can be indented within the top of a vacuum panel as at 41.

Claim 1 recites a synthetic resin bottle-type container comprising a shoulder portion continuous with a mouth portion through which contents can be poured out, and a body portion forms a space for accommodating the contents over an area extending to its bottom wall from said shoulder portion, said body portion comprising pressure-reduction absorbing

panels defined by at least one groove that projects inwards of said container; said at least one groove comprising a groove for said pressure-reduction absorbing panel which is situated immediately below said shoulder portion, said groove being provided with a recess extending along said groove and having a depth larger than that of the groove.

Vaillencourt fails to disclose at least several features of claim 1. Vaillencourt discloses reinforcing rib 41 which merges with the plurality of vertically elongated oriented vacuum panels 24 as shown in Figs. 5-6. However, these ribs go around the container body and do not "define" the panels 24, they do not contain recesses, and they are located far below the shoulder of the container. Thus, the features of pressure-reduction absorbing panels defined by one groove, a groove of the panels being immediately below the container shoulder, and the groove having a recess are all not taught by Vaillencourt. Claim 1 is thus patentable over Vaillencourt. Further, claim 2 is patentable for at least the reasons that claim 1 is patentable as well as for the additional features it recites. Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 1 and 2 under 35 U.S.C. §103(a) as unpatentable over Japanese publication 09-328115, which the Office Action states is to Suzuki, in view of Vaillencourt. Applicants respectfully traverse the rejection.

The Office Action alleges to add a reinforcing groove at the top of the panel in Suzuki would have been obvious in view of Vaillencourt.

Suzuki discloses panel sections 3. However, these panel sections are clearly located far below the shoulder area of the container. As discussed, Vaillencourt appears to disclose a reinforcing rib 41 which is "molded integrally with the upper edges 25 of the vacuum panels 24" (col. 5, lines 46-51) but clearly does not disclose a groove defining the vacuum panel, let alone a recess in the groove. Thus, Suzuki and Vaillencourt, either alone or in combination, at least do not disclose pressure-reduction absorbing panels defined by at least one groove situated

immediately below a shoulder portion or a recess in the groove having a depth greater than the groove. For at least the foregoing reasons, claim 2 is thus patentable over Vaillencourt and Suzuki. Further, claim 2 is patentable for at least the reasons that claim 1 is patentable as well as for the additional features it recites. Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 3-4 under 35 U.S.C. §103(a) as unpatentable over the references as applied to claims 1 and 2 in view of U.S. Patent No. 3,325,031 to Singier. Applicants respectfully traverse the rejection.

Because claims 3 and 4 depend from claim 1, they are patentable at least for the reasons claim 1 is, as well as for the further features they recite. Applicants respectfully request withdrawal of the rejection.

VII. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jonathan H. Backenstose
Registration No. 47,399

JAO:JHB/axl

Attachment:
Replacement Sheets

Date: June 22, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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